

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE TRAVELERS INDEMNITY  
COMPANY,

Plaintiff,

-against-

STATE NATIONAL INSURANCE  
COMPANY, et al.,

Defendants.

22-cv-6377 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

In response to the Court’s Order of August 11, 2023, Dkt. 45, the parties have filed letters addressing the impact on this action of the ongoing litigation in the lawsuit styled *Dominick Dibrino & Alison Dibrino v. Rockefeller Center North Inc., et al.*, in the Supreme Court of the State of New York, County of Bronx, bearing Index No. 27729/2019E (“the Underlying Action”). In their letters, the parties take different views of the merits, but there is at least some indication that the final resolution of the Underlying Action may have some bearing on the issues raised in this case, and that moving forward with this case while the Underlying Action remains unresolved may yield decisions in conflict or in tension with each other. *See* Dkt. 47 at 2–3; Dkt. 48 at 2–3. Neither party has persuasively argued that a stay would result in irreparable harm. Though plaintiff says a stay might hinder settlement in the Underlying Action, that is not the stuff of irreparable harm. *See, e.g., Wisdom Imp. Sales Co. v. Labatt Brewing Co.*, 339 F.3d 101, 113 (2d Cir. 2003).

Thus, having reviewed the parties’ letters closely, the Court concludes that a stay in this action pending final resolution of the Underlying Action is appropriate. This case is hereby STAYED pending final resolution of the Underlying Action. The Court also notes that this stay does not intimate any view of the merits of this case. The parties are hereby ORDERED to update

the Court on the status of the Underlying Action (1) every 90 days, beginning November 16, 2023, and (2) when the Underlying Action is finally resolved. Any party is free at any time to make an application to lift the stay if changes in circumstances warrant such relief.

The Clerk of Court is directed to terminate the letter motion at ECF No. 47.

SO ORDERED.

Dated: August 21, 2023  
New York, New York

A handwritten signature in black ink, appearing to read 'Arun Subramanian', is written over a horizontal line.

ARUN SUBRAMANIAN  
United States District Judge